

July 15, 2024

By ECF

Honorable Taryn A. Merkl
United States Magistrate Judge
United States District Court
Eastern District of New York
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Brooklyn, New York 11201

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Re: *Trooper v. NYSP et al.*, 22-cv-893 (LDH)(TAM)

Dear Judge Merkl:

I am a member of the law firm Harris Beach PLLC, attorneys for defendant New York State Police (“NYSP”) with respect to the above-referenced action. I write concerning the Court’s consideration of the Office of the New York State Attorney General’s (“OAG”) assertion of law enforcement privilege with respect to interviews of current or former NYSP employees, and in particular to address the Court’s concern regarding whether the law enforcement privilege would protect details in the NYSP witness memos “about security for the [G]overnor’s mansion” and about NYSP “jobs, what they’re doing day to day, what their responsibilities are with regard to the PSU.” Apr. 19, 2024 Tr. 16:5-13. While NYSP would certainly designate any law enforcement information as confidential under the existing Protective Order, NYSP does not believe that law enforcement privilege potentially relating to NYSP or PSU operational or security measures should prevent the disclosure of any interview memos in this case, particularly given that (i) NYSP is also defending against Trooper 1’s claims; (ii) voluminous amounts of operational and security information has already been disclosed in this case; and (iii) the Protective Order is sufficient to protect the confidentiality of any information.

Respectfully submitted,

s/Daniel J. Moore

Daniel J. Moore

DJM:kmt